

REMARKS

This Amendment is in response to the Office Action mailed June 1, 2004. Claims 1, 2, 4-18 and 21-25 are pending in the application. Claims 1, 2, 4 and 5 are allowed and claims 7-11, 13, 14, 17-18 are objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form and claims 6, 12, 15, 16 and 21-25 are rejected. Applicants respond to the rejection of claims 6, 12, 15, 16 and 21-25 as follows.

**Response to Rejection of claims 6, 12 and 21
as being anticipated by shimizu**

Claims 6, 12 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shimizu. Claim 6 has been amended to incorporate the subject matter of claim 8 which was indicated to be allowable. Claims 12 and 21 depend upon amended claim 6. Reconsideration and allowance of amended claims 6, 12 and 21 are respectfully requested.

**Response to Rejection of claims 15, 16, 22-25
as being obvious over Schar in view of Kuwajima or Shimizu**

Claims 15, 16, 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schar in view of Kuwajima or Shimizu. The present application claims priority to a provisional application which predates the issue date of Schar under 35 U.S.C. § 102(a). Schar has a filing date prior to the filing date of the present application under 35 U.S.C. § 102(e). Prior art under 35 U.S.C. § 102(e) shall not preclude patentability under 35 U.S.C. § 103 where the subject matter of the prior art under 35 U.S.C. § 102(e) and the claimed invention were at the time the invention was made owned by the same person or subject to an obligation of assignment to the same person. At the time of invention both the present invention and Schar were subject to an obligation of assignment to the same entity namely Seagate Technology LLC or its

predecessor Seagate Technology, Inc. Accordingly, reconsideration and withdrawal of the rejection of claims 15, 16, 22-25 under 35 U.S.C. § 103(a) based upon Schar are respectfully requested.

Applicants shall file formal drawings under separate cover.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Deirdre Megley Kvale, Reg. No. 35,612
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 339-3312

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